

was false and misleading since the product contained less than 80 percent of milk fat.

On May 29, 1940, the Great Atlantic & Pacific Tea Co., of Philadelphia, Pa., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond conditioned that it should not be sold or disposed of contrary to law.

795. Adulteration and misbranding of butter. U. S. v. 22 Cartons of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. D. C. No. 2288. Sample No. 33321-E.)

On June 20, 1940, the United States attorney for the Southern District of New York filed a libel against 22 cartons of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about June 8, 1940, by the Turtle Mountain Creamery Co., of Rolette, N. Dak., in a pool car shipped from Duluth, Minn.; and charging that it was adulterated and misbranded. It was labeled in part: "Butter Distributed by Zenith Godley Co., N. Y. * * * [Pencil] Rolette Cry."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading as it contained less than 80 percent milk fat.

On July 3, 1940, the Rolette Creamery Co., Rolette, N. Dak., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent of milk fat.

796. Adulteration and misbranding of butter. U. S. v. 20 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. D. C. No. 3016. Sample No. 10540-E.)

On September 6, 1940, the United States attorney for the Southern District of New York filed a libel against 20 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 25, 1940, by the Valentine Creamery from Valentine, Nebr.; and charging that it was adulterated and misbranded. It was labeled in part: "Herold Gearon Co. Inc. * * * New York."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading as it contained less than 80 percent milk fat.

On September 18, 1940, the Valentine Creamery, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent of milk fat.

797. Adulteration of butter. U. S. v. 5 Tubs of Butter. Default decree of condemnation and destruction. (F. D. C. No. 2239. Sample No. 4897-E.)

On or about May 23, 1940, the United States attorney for the Northern District of Illinois filed a libel (amended on or about June 13, 1940) against five tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about May 13, 1940, by the Vinton Creamery Co. from Vinton, Iowa; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was labeled in part: "The Peter Fox Sons Co., Chicago, Ill."

On July 29, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

798. Adulteration and misbranding of butter. U. S. v. 23 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 2275. Sample No. 33312-E.)

On June 19, 1940, the United States attorney for the Southern District of New York filed a libel against 23 tubs of butter at New York, N. Y., alleging that the article had been shipped on or about June 3, 1940, by the Webster Creamery Co. from Webster, S. Dak.; and charging that it was adulterated and misbranded. It was labeled in part: "Butter Distributed by F. F. Lowenfels & Son."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading as it contained less than 80 percent by weight of milk fat.

On June 28, 1940, the Webster Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was released under bond conditioned that it be reworked so that it contain at least 80 percent milk fat.

799. Adulteration and misbranding of butter. U. S. v. 13 Cartons of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. D. C. No. 3025. Sample No. 33353-E.)

On September 5, 1940, the United States attorney for the Southern District of New York filed a libel against 13 cartons of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 23, 1940, by the Woodriver Creamery Association from Grantsburg, Wis.; and charging that it was adulterated and misbranded. It was labeled in part: "Butter Distributed by Hunter Walton & Co. * * * New York, N. Y."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that the package was labeled "Butter," which was false and misleading as it contained less than 80 percent milk fat.

On September 18, 1940, the Woodriver Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was released under bond conditioned that it be reworked so that it contain at least 80 percent of milk fat.

EGGS

800. Adulteration of frozen whole eggs. U. S. v. 800 Cans of Frozen Whole Eggs. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 2035. Sample No. 12763-E.)

This product was in interstate commerce at the time of examination, and was found to be in whole or in part decomposed at that time.

On May 25, 1940, the United States attorney for the Northern District of California filed a libel against 800 cans of frozen whole eggs at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about May 14, 1940, by Gold Medal Dairies from Missoula, Mont.; and charging that it was adulterated in that it consisted wholly or in part of a putrid or decomposed substance.

On June 4, 1940, Gold Medal Dairies having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond conditioned that it should not be sold or disposed of in violation of the law.

FISHERIES PRODUCTS

801. Adulteration of crab meat. U. S. v. Edgar P. Hitchings and Vernon D. Hitchings, trading as E. A. Hitchings & Co. Plea of nolo contendere. Imposition of sentence suspended. (F. D. C. No. 942. Sample Nos. 34894-D, 47631-D, 47632-D.)

This product contained evidence of the presence of filth.

On April 11, 1940, the United States attorney for the Eastern District of Virginia filed an information against Edgar P. Hitchings and Vernon D. Hitchings, trading as E. A. Hitchings & Co. at Norfolk, Va., alleging shipment by each defendant on or about August 30 and 31, 1939, from the State of Virginia into the State of Pennsylvania, of quantities of crab meat which was adulterated in that it consisted in whole or in part of a filthy substance.

On May 6, 1940, pleas of nolo contendere were entered by the defendants. Imposition of sentence was suspended on condition that the defendants in the future follow all regulations and rules of the Food and Drug Administration.

802. Adulteration of fish. U. S. v. 488 and 194 Boxes of Haddock Fillets. Default decree of condemnation and destruction. (F. D. C. Nos. 312, 313. Sample Nos. 59145-D, 59146-D.)

This product had been shipped in interstate commerce and was in interstate commerce when examined, at which time it was found to be in part decomposed.

On July 26, 1939, the United States attorney for the Southern District of Indiana filed a libel against 682 boxes of haddock fillets at Indianapolis, Ind., and an amended libel on August 11, 1939, alleging that the article had been shipped in interstate commerce on or about July 6, 1939, by Busalacchi Bros. (194 boxes for Henry & Close, Inc.) from Boston, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a filthy animal